

REMARKS

INTRODUCTION:

In accordance with the foregoing, claim 24 has been canceled without prejudice or disclaimer, and claim 23 has been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-23 are pending and under consideration.

In the Office Action, at page 2, item 4, the Examiner allowed claims 1-22. Additionally, in the Office Action, at page 2, item 5, the Examiner indicated that claim 24 would be allowable if rewritten in independent form.

REJECTION UNDER 35 U.S.C. §102:

In the Office Action, at page 2, item 2, the Examiner rejected claim 23 under 35 U.S.C. §102 (b) as being anticipated by Nonaka (U.S. Patent No. 4,689,966 – hereinafter Nonaka). Additionally, in the Office Action, at page 2, item 3, the Examiner rejected claim 23 under 35 U.S.C. §102 (b) as being anticipated by Pelizzari (EP 849553 – hereinafter Pelizzari). The reasons for the rejections are set forth in the Office Action and therefore not repeated. Applicants traverse these rejections and respectfully request reconsideration.

Amended, independent claim 23 recites: "...a temperature controlled chamber, cooled by air from the freezer compartment, and maintained at a predetermined temperature between a temperature of the refrigerator compartment and a temperature of the freezer compartment."

Nonaka discloses a freezing chamber 7, a mode-change chamber 9, and a refrigerating chamber 11, each of which are cooled by a cooling chamber 21 via separate ducts (51, 53, and 55).

Pelizzari discloses a preservation compartment 2, a freezer compartment 3, and a controlled temperature chamber 10. Air from an evaporator 7 passes through a duct 17 and through a rear port 18 of the controlled temperature chamber 10 to cool the controlled temperature chamber 10.

Applicants respectfully submit that neither Nonaka nor Pelizzari disclose or suggest "...a temperature controlled chamber, cooled by air from the freezer compartment, and maintained at

a predetermined temperature between a temperature of the refrigerator compartment and a temperature of the freezer compartment.”

Applicants respectfully submit that claim 23 patentably distinguishes over the cited art, and should be allowable for at least the above-mentioned reasons.

CONCLUSION:

In accordance with the foregoing, Applicants respectfully submit that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the cited art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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